

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A NIGHTCLUB/RESTAURANT AT 264A AND 264B MCLAWS CIRCLE WITHIN THE FESTIVAL MARKETPLACE SHOPPING CENTER

WHEREAS, Allen G. Ennis and Tien Kim Le, Carpe P.M., Inc have submitted Application No. UP-642-04, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 18) of the York County Zoning Ordinance, to authorize a 1,970-square foot restaurant and nightclub within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle, on the east side of McLaws Circle approximately 200 feet south of its intersection with Busch Way, and further identified as Assessor's Parcel No. 15-4-3A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2004, that Application No. UP-642-04 be, and it is hereby, approved to authorize a 1,970-square foot restaurant and nightclub within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle, on the east side of McLaws Circle approximately 200 feet south of its intersection with Busch Way, and further identified as Assessor's Parcel No. 15-4-3A subject to the following conditions:

1. This use permit shall authorize a 1,970-square foot restaurant and nightclub located within the Festival Marketplace shopping center located at 264A and 264B McLaws Circle and further identified as Assessor's Parcel No. 15-4-3A.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the establishment of the proposed nightclub. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant and received by the Planning Division on July 1, 2004, except as modified herein or as may be necessary to comply with site plan review requirements.
3. At time of site plan submittal, a detailed parking tabulation for the shopping center shall be submitted to and approved by Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.
4. Noise from the proposed use shall be contained within the subject shopping center units, and noise shall not be audible outside the confines of the units.
5. The hours of operation of the facility shall be limited to the period between 11:00 a.m. and 2:00 a.m. daily.
6. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.
7. Parking lot lighting shall remain active until at least one hour after closing time for the facility.
8. The applicant shall be responsible for removal of any trash or debris from its portion of the parking lot daily.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.